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Dan Smoot Report

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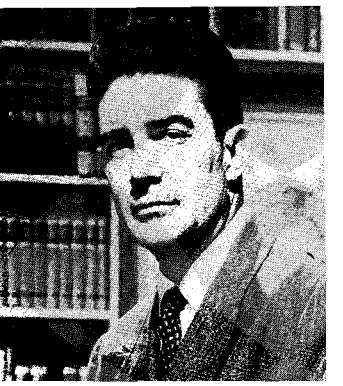

DAN SMOOT

OUR COMMISSAR OF MALNUTRITION

The Food and Drug Administration tried to stop the sale of Dextra, a vitamin-enriched sugar, asserting that people do not need such extra nourishment. In deciding against FDA, Federal District Judge Emmett C. Choate said FDA brought misbranding charges against the product "simply because it is not in sympathy with its use." He added:

"The provisions of the Federal Food, Drug, and Cosmetic Act did not vest in the Food and Drug Administration or any other federal agency the power to determine what foods should be included in the American diet; this is the function of the market place."(1)

But judicial rebuke is not enough to halt bureaucratic grasp for power.

In 1962, FDA announced a general revision of regulations on special dietary foods and vitamin-mineral supplements — to establish federal control, not only of the food-supplement industry, but of the American diet. There was a howl of public protest, and most of the announced regulations were suspended.

On June 13, 1966, Dr. James Lee Goddard, new FDA Commissioner, publicly stated:

"The Government does not and must not attempt to dictate what is to be sold to the people."(2)

Five days later, Goddard issued regulations dictating what is to be sold to the people in the way of vitamins and dietary food supplements.

Goddard's regulations would require vitamin distributors to print on their labels, in prominent type, the following statement:

"Vitamins and minerals are supplied in abundant amounts by the foods we eat. The Food and Nutrition Board of the National Research Council recommends that dietary needs be satisfied by foods. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements."

THE DAN SMOOT REPORT is published weekly by The Dan Smoot Report, Inc., Box 9538, Dallas, Texas 75214 (office at 6441 Gaston Ave.). Subscriptions: $18.00 for 2 years; $10.00, 1 year; $6.00, 6 months; first class, $12.50 a year; airmail, $14.50. Dan Smoot was born in Missouri, reared in Texas. With BA and MA degrees from SMU (1938 and 1940), he joined the Harvard faculty (1941) as a Teaching Fellow, doing graduate work in American civilization. From 1942 to 1951, he was an FBI agent; from 1951 to 1955, a commentator on national radio and television. In 1955, he started his present independent, free-enterprise business: publishing this REPORT and abbreviating it each week for radio and TV broadcasts available for commercial sponsorship by business firms.

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Note that government-supported propaganda for fluoridating public water systems is based on the allegation that people *do not get all needed minerals* in food.

Actually, the statement which FDA would force all producers to put on vitamin labels tells three direct lies.

1. *Vitamins and minerals are supplied in abundant amounts by the foods we eat.*

George L. Mehren, Assistant Secretary of Agriculture, wrote the FDA saying this sentence is untrue — because the most recent nationwide survey reveals that diets of 48 percent of American families do not contain recommended nutrients.[3]

Dr. W. H. Sebrell, Jr., chairman of the Committee on Recommended Dietary Allowances of the National Research Council, says there is abundant evidence that many individuals do not get all needed vitamins from foods.[3]

The National Health Federation says:

"As our national food supply has increased . . . trends have been increasingly toward . . . 'convenience' foods which, by virtue of nutritional losses incurred through processing, refining, cooking, prolonged storage, and other factors, fail to provide maximum nutritional value . . . .

"According to the U. S. Department of Agriculture, per-capita consumption of fresh fruits has declined one-third since 1939.

"On the other hand . . . more than $25 billion in baked goods, cereals, flour and macaroni, soft drinks, alcoholic beverages, and confectionery is consumed each year in the United States. Total consumption of these foods — which are high in 'empty calories' and low in, if not devoid of, various vitamins, minerals, and other essential nutrients — has been steadily rising."[4]

Adelle Davis, noted author in the field of nutrition, says the diets of 87 percent of American adolescents are inadequate.[5]

2. *The Food and Nutrition Board of the National Research Council recommends that dietary needs be satisfied by foods.*

The executive secretary of the Food and Nutrition Board (Dr. LeRoy Voris) says he does not know where FDA got the phrase that his Board "recommends that dietary needs be satisfied by foods." Voris said the Board has not reviewed or approved the FDA's labeling requirements.[1]

Dr. W. H. Sebrell, Jr., of the National Research Council, called the FDA's label statement "objectionable and misleading," noting it misuses the authority of the Food and Nutrition Board to support a contention which "taken out of context creates a false impression."[6]

3. *Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements.*

Dr. John J. Miller (Consultant in Nutrition and President of Miller Pharmacal Company in West Chicago) says:

"Millions of people in the United States are today suffering from nutrient deficiencies and obviously need a liberalizing of their diets rather than FDA restriction of them . . . .

"FDA has long been a depressing and destructive agency. . . . For example, for more than twenty years FDA prosecuted any manufacturer or distributor of vitamin E preparations if any claim was made for their nutritional value in humans . . . . Now . . . through costly research by private individuals and firms, FDA has recently been forced to admit its error regarding wheat germ and vitamin E . . . ."[7]

Dr. Robert C. Olney of Lincoln, Nebraska, says:

"Experience [as a practicing physician for more than 40 years] has taught me that proper nutrition is the best safeguard against disease. And the vitamins, minerals, and important nutritional substances must be supplied when they are removed from, or destroyed in, the usual food supply."[7]

In its June 18, 1966, regulations, the Food and Drug Administration prohibits distributors of food supplements from saying or implying (in labeling, advertising, or otherwise):

"That a diet of ordinary foods will not supply adequate amounts of vitamins and minerals;

"That significant segments of the population of the United States are suffering or are in danger of suffering from a dietary deficiency of vitamins or minerals.

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"That a dietary deficiency or threatened dietary deficiency of vitamins and/or minerals is or may be due to loss of nutritive value of food by reason of the soil on which the food is grown, or the storage, transportation, processing, and cooking of food."

In these same regulations, however, FDA endorses and adopts a "Statement of General Policy in regard to the Addition of Specific Nutrients to Foods" (issued jointly by the Food and Nutrition Board, National Research Council-National Academy of Sciences, and by the Council on Foods and Nutrition, American Medical Association). This Statement of General Policy concedes that foods used by " a significant segment of the consumer population" can be deficient in essential nutrients because of soil, storage, transportation, refining, and processing. Moreover, Dr. Homer Hopkins, an FDA official, is on record as saying (in June, 1965): " . . . the statement that 'the nutritional values of our crops are not significantly affected by either the soil or kind of fertilizer used,' cannot be defended."[4]

Thus, the FDA regulations of June 18, 1966, would not only force distributors of vitamins to tell direct lies on their product labels, but would also prohibit them from telling the truth.

The new FDA regulations are not intended to protect or improve public health. FDA has never claimed that vitamins are harmful, but merely that they are unnecessary and that the American public wastes money on them.

Following the proclamation of his ukase about vitamins, Commissioner Goddard was eulogized in *Life* (August 26, 1966) which quoted some of his pithy sayings:

"We can only hope to educate people on this vitamin problem. We won't order vitamin pills off the market. But there's a general wrong-headed idea in this country that if one pill is good, two must be better."

"My nature is such that I can't be in a factory or store or hotel 10 minutes before I see all sorts of things wrong and start trying to reorganize the whole place."

There we have it: this wrong-headed, bragging busybody is using our tax money and the power of our government to suppress ideas in conflict with his own.

Big Brother Goddard aims to protect the people (of whom he is obviously contemptuous) from themselves, by prohibiting them from spending their own money in ways which he considers wasteful: government must have a monoply on wasting the people's money.

How would the public benefit from Commissioner Goddard's fraternalism?

The new regulations would prohibit the sale of many vitamins, without a doctor's prescription, except in very restricted amounts and combinations. They would limit to 17 the total number of vitamins, minerals, and accessory food factors which comsumers may buy without prescriptions. Yet, foremost authorities in the field of nutrition say that 40 nutrients are needed each day to insure health.[8] Thus, the new FDA order would impose excessive costs on consumers by forcing them to get prescriptions for vitamins, and would make it difficult for millions to obtain needed food supplements.

The new FDA regulations would ruin thousands of small businessmen now operating health food stores. All manufacturers would be required to make practically the same product, with the same limited selection of ingredients, with the same label. Thus, competition would be eliminated, and producers prohibited from improving their products as a result of nutritional research. The result would be a government-created, government-controlled monopoly restraining free trade in violation of existing antitrust laws (another example of government's contempt for its own unconstitutional legislation).

A government agency would dictate what people can eat, arbitrarily establishing an "average American diet," making no allowance for individual needs or desires. The government edicts are not based on valid scientific research. On the contrary, they defy the preponderance of scientific evidence about dietary needs.

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All this — and more — because Goddard has decided that people waste money on unnecessary vitamins!

Why are food supplements for humans considered unnecessary, while foods for pets and farm animals are supplemented? Why has the FDA expressed no official concern about the billions spent annually on such non-essentials as soft drinks, candies, alcohol?[5]

What right have federal bureaucrats to tell us what to eat? When will they tell us what to wear? Why do we put up with it?

Unless canceled or delayed, FDA's new regulations concerning vitamins and health foods will go into effect December 16, 1966. On June 29, 1966, U. S. Representative David King submitted Concurrent Resolution 807, expressing the sense of Congress that the regulations should not be imposed until Congress, by law, confers power to make such regulations.

Opponents of the new regulations are supporting a letter-writing campaign to all members of Congress urging support of King's Resolution. King's Resolution could stall Goddard's grab for power; but this is not the final remedy.

Congress cannot constitutionally empower FDA to impose the new regulations. Indeed, the Federal Food, Drug, and Cosmetic Act of 1938 and the Drug Industry Act of 1962 — the two basic statutes under which FDA operates — are unconstitutional.[9] The laws should be repealed and the Federal Drug Administration abolished.

The agency is not needed. There must, of course, be controls on industries which affect the health and welfare of all the people; but when *government* controls, it makes matters worse.

The only safe and effective control over industry is control by competition (in an economic system free of government meddling) which compels private industry to strive for better products and lower prices. Bureaucratic and political controls stifle initiative and remove incentive for progress — thus damaging consumers by forcing them to pay high prices for mediocre products.

SUGGESTION: Write your Representative and your two Senators, urging support of Representative David King's Concurrent Resolution 807, to stop the FDA health-food and vitamin regulations from going into effect on December 16, 1966. Ask them also to sponsor legislation which would repeal the Federal Food, Drug, and Cosmetic Act of 1938 and the Drug Industry Act of 1962. This would eliminate FDA as a perennial threat to liberty.[9]

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FOOTNOTES

(1) "Scientists Indignant at Proposed FDA Order," *National Health Federation Bulletin*, September, 1966, pp. 11-12 (Reprints of complete 34-page *Bulletin* available for 25c each or 7 for $1.00 at National Health Federation, P. O. Box 686, 211 West Colorado Boulevard, Monrovia, California 91016.)

(2) "Vitamin 'Peril' Found by FDA," editorial, *Alameda Times Star*, July 21, 1966, reprinted in *National Health Federation Bulletin*, September, 1966, pp. 21-2 (For reprint of *Bulletin*, see Footnote 1.)

(3) "Health-minded Americans Stunned by FDA Food Supplement Order," *National Health Federation Bulletin*, September, 1966, pp. 3-6 (For reprint of *Bulletin*, see Footnote 1.)

(4) "Testimony in Behalf of Food Supplement Industry by Kirkpatrick W. Dilling, Lawyer," *National Health Federation Bulletin*, July-August, 1966, pp. 21-6

(5) "Will We Forfeit Our Health Freedom?", pamphlet by Adelle Davis, 6 pp.

(6) "Key Science Academy Figure Attacks Proposed FDA Rules For Diet Foods," by Morton Mintz, *The Washington Post*, July 20, 1966, reprinted in *National Health Federation Bulletin*, September, 1966, pp. 12-13 (For reprint of *Bulletin*, see Footnote 1.)

(7) "Sales Bulletin," Miller Pharmacal Company (P. O. Box 158, West Chicago, Illinois), August 16, 1966, p. 1

(8) *Let's Get Well*, by Adelle Davis, Harcourt, Brace & World, Inc., New York 10017, 1965 (price: $4.50), 580 pp.

(9) "Kefauver Medicine," *The Dan Smoot Report*, January 21, 1963, pp. 17-24 (1 copy 25c, 6 for $1.00)

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